

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

U.S. DISTRICT COURT
2010 JUL 29 A § 16

B McCarthy

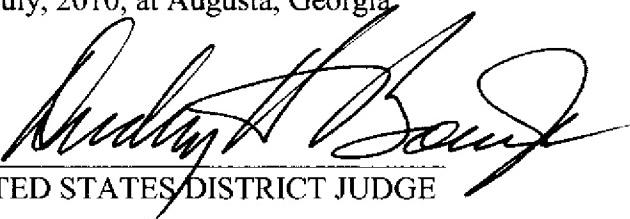
MARIO ALBERTO SIMBAQUEBA,)
)
Plaintiff,)
)
v. CV 309-066
)
UNITED STATES DEPARTMENT OF)
DEFENSE,)
)
Defendant.)

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Plaintiff's "Motion to Transfer Action Pursuant [to] 28 U.S.C. § 1404 and Extension of Time to Serve Process" is **DENIED** as to Plaintiff's request to transfer venue to the Southern District of Florida (doc. no. 12-1), and is deemed **MOOT** as to his request concerning service (doc. no. 12-2). Additionally, Defendant's motion to dismiss or in the alternative motion for transfer of venue (doc. no. 16) is **DENIED IN PART** and **GRANTED IN PART**. Specifically, Defendant's request that Plaintiff's case be dismissed is **DENIED**, but Defendant's request that Plaintiff's case be transferred is **GRANTED**. Accordingly, Plaintiff's case is **TRANSFERRED** to the United States District Court in the

Southern District of Ohio for further consideration, the Clerk of Court is **DIRECTED** to forward the file to that District immediately, and this civil action is **CLOSED**.

SO ORDERED this 29th day of July, 2010, at Augusta, Georgia.



UNITED STATES DISTRICT JUDGE